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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,741	09/29/2003	Atsushi Mizutome	03500.017621	6742
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EXAMINER				
LU'ONG, ALAN H				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/671,741

Applicant(s)

MIZUTOME ET AL.

Examiner

ALAN LUONG

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/US)
Paper No(s)/Mail Date 08/15/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Art unit is changed into 2623

Response to Amendment

This Office Action is responsive to the Amendment filed on 05/27/2008.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 42-44 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,337,719 to Cuccia, in view of APA.**

Claim 42. (New) Fig.1 of Cuccia illustrates a receiving apparatus, comprising:

a receiving unit includes antenna [101], tuner **for receiving a streaming content** i.e. MPEG-2 (Cuccia, col. 3 lines 23-41)

a storage control unit as digital memory [120] associated with microprocessor [118] **for controlling** tuner [103] **to receive by the receiving unit a streaming content** as EPG information **registered in advance** when user remote control [110] turn receiver OFF; this command is taken by microprocessor [118] which controls extractor and decoder SI data from a select transport stream **among a plurality of streaming contents which can be received by the receiving unit, and for storing in a storage**

[120] the received streaming content registered in advance (col. 3 line 55 to col. 4 line 20);

an operation unit as a microprocessor [118] which control tuner [103] for receiving an operation as scan signal for EPG information of selecting a certain streaming content from the plurality of streaming contents (col. 4 lines 20-35); and

a display control unit as a signal processor [104] for controlling such that, when the streaming content registered in advance when user remote control [110] turn receiver OFF this command is selected by the operation unit [118] controls switching power means [115] to power switch [116] OFF position, the receiving unit in stand by mode; but processor [104] is still ON , the streaming content stored in the storage is read out and displayed on a display screen [108] (col. 3 line 65 to col. 4 line 35) and, when other streaming content is selected by the operation unit [118] switching power ON position, the streaming content received by the receiving unit in normal operation is displayed on the display screen [108](col. 3 lines 55-64).

However, Cuccia is silent to an access through the internet to a URL of the streaming content;

In an analogous art directed toward a similar problem namely improving the results from an access through the internet to a URL of the streaming content; APA discloses a streaming broadcast which contains stream contents associated with URL address in Internet, users can access through the internet to a URL of the streaming content; (I.A. ¶0007 to ¶0010). Therefore, at the time of the invention was made, it would have been

obvious to one having ordinary skill in the art to combine a TV set receiver unit of Cuccia with an access the streaming content through the internet to a URL address as taught by APA, in order to allow user to obtain stream contents from internet website associated with IP address as URL.

Claim 43. (New) The receiving apparatus according to claim 42, Fig. 2 of Cuccia indicates a process scan EPG information in transport stream which is received by tuner [103] wherein the storage control unit [120] associated with microprocessor [118] controls such that, at initial value $Tr = 1$ will be compare to available value Tr_MAX of the transport stream responsive to a turning on a power source [109] by switching means [115] for switching power supply of the receiving apparatus (col. 3 lines 42-54), when user turns receiver OFF in decoupled state at step [204], tuner [103] is available for scanning process, EPG data will be collected and incorporated with the streaming content registered in advance as updated compound EPG is received by the receiving unit and is stored in the storage [120] until receiver is turn ON in coupled state at step 203(col. 5 lines 20-56), microprocessor retrieves the streaming content received by the receiving unit stored in memory [120] is displayed on the display screen [108](see col. 3 lines 55-64 and col.4 lines 47-52)

Claim 44. (New) The receiving apparatus according to claim 42, further comprising:

Fig. 1 of Cuccia also illustrates a decoder [105] for audio decode and a video decoder [107] for video decode processing the streaming content in Signal processor [104]

so as video to be displayed on the display screen [108] and audio output to speaker [106]; **(col. 3 lines 32-41)** and

a power source [109] for supplying a power supply for Signal processor [204] contains **at least to the decoder** by switching means [115], **wherein the storage control unit [118] controls [115] to keep signal processor [104] ON all time such that, responsive to a turning on the power source of the receiving apparatus** if tuner [103] is available, the scanning process begins, EPG information is updated as **the streaming content is received by the receiving unit and is stored in the storage (col. 3 lines 42-54)**. if tuner [103] is not available, microprocessor will wait for initial step from user and upon the predetermined user command, retrieves **the streaming content received by the receiving unit stored in memory [120] is displayed on the display screen [108](see col. 4 lines 47-52)**

Claim 48. With respect to the receiving apparatus claim 48, as discussed above since the receiver device disclosed by Cuccia and APA anticipated every structural element and its function required by device in claim 42 and since this apparatus in claim 48 merely repeats the same function components of claim 42, claim 48 must also be anticipated by Cuccia and APA (see claim 42 rejection).

Additionally, Fig. 2 of Cuccia illustrates a flowchart scanning process of **an operation unit [118]** wherein associated with the storage control unit [120] **controls for receiving an operation of a monitoring stop** at initial value $Tr = 1$ will be compare to available value Tr_MAX of the transport stream **responsive to a turning on a power source**

[109] by switching means [115] for switching power supply **of the receiving apparatus (col. 3 lines 42-54)**, when user turns receiver OFF in decoupled state at step [204], if tuner [103] is available for scanning process, EPG data will be collected and incorporated with **the streaming content registered in advance** as updated compound EPG **is received by the receiving unit and is stored in the storage [120]** until receiver is turn ON in coupled state at step 203(**col. 5 lines 20-56**) and when user transmits turn ON receiver command **a monitoring start of the streaming content** if tuner [103] is available, the scanning process begins, EPG information is updated as **the streaming content is received by the receiving unit and is stored in the storage (col. 3 lines 42-54)**, if tuner [103] is not available, microprocessor will wait for initial step from user and upon the predetermined user command, retrieves **the streaming content received by the receiving unit stored in memory [120]** send to signal processor [104], **responsive to receiving, by the operation unit [118], of the operation of the monitoring start of the streaming content, the streaming content is displayed on the display screen [108](see col.4 lines 47-52)**. Upon command of user, processor [118] controls power source [109] with switching means [115] for switching power supply of receiver OFF; **responsive to receiving, by the operation unit, of the operation of the monitoring stop of the streaming content;** signal processor [104] still available for processing video and audio output to display [108] (see **col.4 lines 28-35 and 50-55**).

Claim 49. The receiving apparatus according to claim 48, further comprising:

Fig. 1 of Cuccia also illustrates **a decoder [105] for audio decode and a video decoder [107] for video decode processing the streaming content in Signal processor [104] so as video to be displayed on the display screen [108] and audio output to speaker [106]; (col. 3 lines 32-41). and**

a power source [109] for supplying a power supply for Signal processor [204] contains **at least to the decoder by switching means [115] (col. 3 lines 42-54), wherein the operation of the monitoring stop of the streaming content tuner [103] is NOT available is one for turning off a power source** supplies to receiver in stand by mode, but remote control unit [110] still on, user could send command from [110] to processor [118] to control operation of TV set. **(col. 4 lines 28-35); and the operation of the monitoring start of the streaming content is one for turning on a power source** in this case, receiver is in normal operation. If tuner [103] is available, the scanning process begins, EPG information is updated as **the streaming content is received by the receiving unit and is stored in the storage [120](col. 3 lines 42-54).** if tuner [103] is not available, microprocessor will wait for initial step from user and upon the predetermined user command, retrieves **the streaming content received by the receiving unit stored in memory [120] is displayed on the display screen[108](see col. 4 lines 47-52).**

3. **Claims 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,337,719 to Cuccia and APA, in view of US Patent 6,931,657 to Marsh.**

Claim 45. With respect to the receiving apparatus claim 45, as discussed above since the receiver device disclosed by Cuccia and APA anticipated every structural element

and its function required by device in claim 42 and since this apparatus in claim 45 merely repeats the same function components of claim 42, claim 45 must also be anticipated by Cuccia and APA (see claim 42 rejection).

However, Neither Cuccia nor APA teaches a memory for storing user profile information relating to a user's preferences, a storage control unit for determining, based on the user profile information stored in the memory, a streaming content matching with the user preference among a plurality of streaming contents which can be received by the receiving unit, and for storing in a storage the streaming content matching with the user preference;

In an analogous art directed toward a similar problem namely improving the results from a streaming content matching with the user preference. Fig. 3 of Marsh depicts certain devices/functions [106] feed **a plurality of streaming contents to the receiving unit** as a set-top box [104] (Marsh, Fig. 2, col. 4 lines 9-18), user profile [114] in hard disk of set-top box, as **a memory for storing user profile information relating to a user's preferences**, an intelligent content agent [108] and using an EPG database [112] as **a storage control unit for determining, based on the user profile information stored in the memory [114] to identify a streaming content matching with the user preference among a plurality of streaming contents which can be received by the receiving unit [104]** (Marsh, col. 5 lines 1-25), and referring to Fig. 3 **streaming content matching with the user preference [114]** is modified by Bubbling agent [110] associated with [110] and [112] **for storing the streaming content matching with the user preference in a storage** as temporary storage buffer [118] or

permanent storage [130] in hard disk of set-top box [104] (Marsh, col. 6 line 28- col.8 line 17). Therefore, at the time of the invention was made, it would have been obvious to one having ordinary skill in the art to combine a TV set receiver unit of Cuccia and a URL internet address as taught by APA, with a streaming content matching with the user preference as taught by Marsh, in order to provide more intelligent and more robust methods and arrangements for recording television programs and other broadcast multimedia content programs.

Claim 46. (New) The receiving apparatus according to claim 45, the streaming content matching with the user preference is received by the receiving unit and is stored in the storage (see claim 45 rejection) Cuccia also teaches **wherein the storage control unit [118] controls switching means [115] selecting switches [116] of power unit [109] such that, responsive to a turning on a power source of the receiving apparatus,** tuner [103] stop scan EPG information, microprocessor [118] associated with memory [120] to send **the streaming content matching with the user preference is received by the receiving unit and is stored in the storage [120]** to signal processor [104] is displayed on the display screen [108](see Cuccia, **col. 3 lines 55-64 and col.4 lines 47-52**).

Claim 47. With respect to the receiving apparatus claim 46, as discussed above since the receiver device disclosed by Cuccia, APA and Marsh anticipated every structural element and its function required by device in claims 44 and 45 since this apparatus in claim 47 merely repeats the same function components of claim 44, claim 47 must also be anticipated by Cuccia, APA and Marsh. (see combined claims 44 and 45 rejection).

4. **Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,337,719 to Cuccia and APA, in view of US Pub. 2001/0035917 by Satake et al.**

Claim 50. (New) The receiving apparatus according to claim 48, Fig. 1 of Cuccia illustrates a block diagram of TV-set as **the receiving unit wherein receives further a television broadcast distributed program** from a cable network (Cuccia, col. 3 lines 23-30)

However, Cuccia fails to disclose "wherein the operation of the monitoring stop of the streaming content is one for switching from displaying the streaming content to displaying a program derived by the television broadcast distribution, and wherein the operation of the monitoring start of the streaming content is one for switching from displaying a program derived by the television broadcast distribution to displaying the streaming content."

In an analogous art directed toward a similar problem namely improving the results from **one for switching from displaying the streaming content to displaying a program derived by the television broadcast distribution, and displaying a program derived by the television broadcast distribution to displaying the streaming content**. Fig. 2 of Satake illustrates the display [9] of video program [10] when power switch [5] ON **wherein the operation of the monitoring stop of the streaming content is one for switching from displaying the streaming content to displaying a program [10] derived by the television broadcast distribution** and Fig.

3 illustrates the display [9] of streaming content as advertisement contents [12] when power switch [5] OFF **wherein the operation of the monitoring start of the streaming content is one for switching from displaying a program [10] derived by the television broadcast distribution to displaying the streaming content [12].** (Satake, ¶0026, and flowchart ST1-ST7 of Fig. 4, ¶0034-¶0036). Therefore, at the time of the invention was made, it would have been obvious to one having ordinary skill in the art to combine a TV set receiver unit of Cuccia and a URL internet address as taught by APA, with a display apparatus as taught by Satake, in order to provide a switching circuit for user to enjoy TV program when such an undesired commercial advertising program is broadcast at the beginning or on the way of proceeding with a regular TV program as cited above, since any of TV viewers is obliged to wait for resumed broadcasting of the desired program for a certain duration, and yet, since an enjoyable program is interrupted, normally, TV viewers are inclined to change TV channels to avoid watching undesired commercial advertising programs. This in turn results in the lowered effect of publicity via broadcast commercial advertising programs (¶0005).

Response to Arguments

Applicant's arguments with respect to claims 1-50, claims 1-41 are cancelled; new claims 42-50 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ALAN LUONG** whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. L./

Examiner, Art Unit 2623

Date 8/27/2008

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2623